

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DAMIEN SHONTELL HEWLETT,

Plaintiff,

v.

Case No. 23-C-295

CHERYL JEANPIERRE, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Damien Shontell Hewlett is currently serving a state prison sentence and representing himself in this 42 U.S.C. §1983 action. On March 13, 2024, Defendants filed a motion for summary judgment. Dkt No. 18. On June 7, 2024, in light of Hewlett's lengthy response materials, the Court extended Hewlett's deadline to respond to the motion to June 21, 2024, so he would have sufficient time to mail, rather than e-file, his response materials. On June 24, 2024, Hewlett explained in an e-filed letter that he submitted his materials to prison officials for mailing on June 20, 2024. The Court received Hewlett's materials on July 3, 2024, *see* Dkt. Nos. 33-36, and will consider them timely filed. Defendants reply brief is due July 17, 2024.

Also on July 3, 2024, Hewlett filed a renewed motion for the appointment of counsel. He asks the Court to recruit counsel to represent him at trial. The Court will deny the motion as premature as it is unclear whether a trial will be necessary. If one or more of Hewlett's claims survive summary judgment, the Court will evaluate whether Hewlett is capable of representing himself at trial.

Finally, Hewlett filed a motion requesting leave to e-file more than 400 pages in response to Defendants' summary judgment motion. The motion is dated June 4, 2024, although the Court did not receive it until July 3, 2024. The Court will deny the motion for the reasons explained in its June 7, 2024 text only order. In any event, the request is moot because Hewlett has since mailed his response materials to the Court.

IT IS THEREFORE ORDERED that Hewlett's renewed motion to appoint counsel (Dkt. No. 37) is **DENIED as premature**. However, the Court will consider whether Hewlett is capable of representing himself at trial should one or more of his claims survive summary judgment.

IT IS FURTHER ORDERED that Hewlett's motion to e-file his response materials (Dkt. No. 38) is **DENIED**.

Dated at Green Bay, Wisconsin this 8th day of July, 2024.

s/ William C. Griesbach

William C. Griesbach
United States District Judge